IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2517 OF 2006

Rajendra V. Mungekar ....Petitioner

V/s.

Bank of India & Others ....Respondents

Mr.S.D. Bhosale i/b Mr.J.B. Mishra for the Petitioner.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD APRIL, 2007.

P.C. :

1. These were matters placed on board after the Bar was taken into confidence and had agreed that the matters would be heard. This is the first matter on our board. The learned counsel for the Petitioner seeks an adjournment on the ground that Mr.J.B. Mishra, is not available. Application rejected.

2. We have gone through the finding of the enquiry officer. The Petitioner was charge-sheeted for accepting illegal gratification. The enquiry conducted was ex-parte. The disciplinary authority found that the enquiry officer was within its

jurisdiction to have proceeded ex-parte, based on the evidence in which the charges against the Petitioner was held to be proved. The punishment imposed was by way of dismissal without notice in terms of the bi-partite settlement.

3. An appeal was preferred. The Appellate Authority after considering the record noted that the Petitioner had participated in the enquiry at the preliminary hearing and personal hearing and remained away from the regular hearing. The Petitioner was given an opportunity of hearing, however, he chose not to appear. The Appellate Authority found no reason to disagree with the findings of the disciplinary authority and recorded his reasons in paragraph 6 of the order and consequently dismissed the Appeal.

4. We have gone through the findings of both the disciplinary authority as also the Appellate Authority. We find that though an opportunity was given to the Petitioner to participate to the enquiry, he chose not to participate. The misconduct alleged is serious. There is neither failure of the principles of natural justice or the rules pertaining to the domestic enquiry. The punishment considering the misconduct alleged and proved cannot be said to be

disproportionate. It is therefore, not possible for us to interfere in the exercise of our extra-ordinary jurisdiction. The Petition is rejected.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)